

86-00022

# OFFICE OF THE ATTORNEY GENERAL



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STATE OF ALABAMA

OCT 23 1985

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Honorable Wiley P. Henderson  
District Attorney  
Twenty-First Judicial Circuit  
P. O. Box 301  
Flomaton, AL 36441

District Attorneys - Solicitor's  
Fund

Payment of fees and expenses  
for expert witnesses may be paid  
from District Attorney's Fund.

Dear Mr. Henderson:

Reference is made to your request for an opinion from the Attorney General as to the payment of expert witness fees and expenses:

You pose the following question:

Whether or not I can lawfully expend from the District Attorney's Fund for the Twenty-First Judicial Circuit the payment of the enclosed bill for Dr. James F. Chudy.

Since there is no specific act creating a district attorney's fund in the Twenty-First Judicial Circuit expenditures from your fund are governed by the provisions of Section 12-17-197, Code of Alabama 1975. The pertinent portion of such section in subsection (c) states:

The district attorney...is hereby authorized to requisition expenditures from the district attorney's fund for the payment of any and all expenses to be incurred by him for law enforcement and in the discharge of the duties of his office as he sees fit...

It is apparent from the above-quoted language that the district attorney has broad powers and discretion in the use of these funds. All that is required is that expenditures be for law enforcement purposes.

It is clear that the proposed expenditures outlined in Dr. Chudy's expense report fall well within this requirement. Certainly the services provided by such experts for their pre-trial and trial consultations, their expenses to and from Brewton, and expenses while in Brewton are all for law enforcement purposes and are compensable from the district attorney's fund.

Based on the foregoing, it is my opinion that you may use funds from the district attorney's fund to pay for Dr. Chudy's pre-trial services, his appearance at the trial, and all of his expenses to and from Brewton including his plane ticket from Wisconsin to Mobile. Certainly the services provided by Dr. Chudy were all for law enforcement purposes and are compensable from the district attorney's fund.

Respectfully yours,

CHARLES A. GRADDICK  
Attorney General  
By:



JAMES R. SOLOMON, JR.  
Assistant Attorney General

CAG/JR/pd